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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. CR 07-0246 MHP

Plaintiff,)

v.)

ZENAIDA SMITH,)

Defendant.)

STIPULATION AND ~~[PROPOSED]~~
ORDER DOCUMENTING
EXCLUSION OF TIME

With the agreement of the parties in open court on October 1, 2007, and with the consent of the defendant Zenaída Smith (“defendant”), the Court enters this order (1) setting the trial in this matter for March 4, 2008 at 8:30 a.m.; (2) setting the pretrial conference for February 27, 2008 at 2:30 p.m.; and (3) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from October 1, 2007 to March 4, 2008.

The parties agree, and the Court finds and holds, as follows:

1. The parties appeared before the Court on October 1, 2007. Counsel advised the Court on that date that the parties’ plea negotiations had not been fruitful and further advised that the Court should set the matter for trial. Counsel for the defendant needs additional time to review the paper and electronic discovery, to investigate the case, and to prepare for trial in order to effectively represent the defendant. Continuing the case

until March 4, 2008 will give the defense an opportunity to accomplish this objective. In addition, both counsel have periods of unavailability in late 2007 and early 2008.

2. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, granting the continuance until March 4, 2008 is necessary for defense counsel to review the discovery that has been produced, for effective preparation of defense counsel, and for continuity of counsel. See 18 U.S.C. § 3161(h)(8)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from October 1, 2007 to March 4, 2008 outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, the Court (1) sets a trial date in this case of March 4, 2008 at 8:30 a.m.; (2) sets a pretrial conference date of February 27, 2008 at 2:30 p.m.; and (3) orders that the period from October 1, 2007 to March 4, 2008 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

SO STIPULATED.

DATED: 10/19/2007

SCOTT N. SCHOOLS
United States Attorney

/S/
KYLE F. WALDINGER
Assistant United States Attorney

SO STIPULATED.

DATED: 10/19/2007

/S/
CARL LINDSTROM
Attorney for defendant Zenaida Smith

IT IS SO ORDERED.

DATED: 10/22/2007

MARILYN H. PATEL
United States District Court
Northern District of California
IT IS SO ORDERED
Judge Marilyn H. Patel